

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-23848 - APPLICANT: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: NO RECOMMENDATION, subject to:

1. That Title 19.18.060(B), "Authority," is hereby amended as follows:

B. Authority

The City Council, ~~upon recommendation by~~ or the Planning Commission, shall have the authority to approve, approve with conditions, or deny an application for a Special Use Permit.

2. That Title 19.18.060(G), "Planning Commission Public Hearing and Action," is hereby amended as follows:

G. Planning Commission Public Hearing and Action

3. **Hearing.** The Planning Commission shall conduct a public hearing on the application. In its discretion and for good cause, the Planning Commission may hold the application in abeyance for further study. However, subject to the provisions of State law, the Commission may not grant to an applicant more than two continuances on the same matter, unless the Commission determines, upon good cause shown, that the granting of additional continuances is warranted. Following the hearing or hearings, the Planning Commission shall make its recommendation to approve, approve with conditions, or deny the application for a Special Use Permit. The recommendation shall be based upon evidence that makes the grant or denial of the Special Use Permit appropriate.
4. **Conditions of Approval Recommendation.** In ~~recommending the approval of~~ reviewing a Special Use Permit application, the Planning Commission may impose any conditions, restrictions or limitations as the Commission may determine to be necessary to meet to the general purpose and intent of this Title and to ensure that the public health, safety and welfare are being maintained.

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5. **Notice of Planning Commission Decision.** ~~Written notice of the Planning Commission's decision shall be provided to the applicant, agent, or both.~~ The Planning Commission shall provide written notice of its decision, which shall include the reasons for the decision and if the decision is to approve the Special Use Permit, any modifications, conditions or limitations that the Planning Commission may impose. The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City Clerk and the date of the notice shall be deemed to be the date that the decision is filed with the City Clerk.

3. That Title 19.18.060(J), "Appeals and City Council Review," is hereby amended as follows:

J. Appeals and City Council Review

1. **Planning Commission Action.** A decision by the Planning Commission to approve or deny a Special Use Permit application is final, unless the item is:
 - a. Forwarded to the City Council at the request of a member of City Council;
 - b. Part of a series of associated applications, where the other applications may require final action by City Council;
 - c. Appealed by the applicant; or
 - d. Appealed by a property owner within the notification radius of the subject property.
- ~~2.1.~~ **Appeal of Denial.** A decision by the Planning Commission to deny a Special Use Permit application becomes final and effective at the expiration of 10 days after the date of the decision unless, within that period, the applicant appeals the decision by written request filed with the City Clerk. The City Council may establish a fee for the filing of an appeal, and the amount of any fee so established shall be as set forth in the fee schedule.
- ~~2.~~ ~~**Final Action by City Council Concerning Approval.**~~ ~~A decision by the Planning Commission to approve a Special Use Permit application constitutes a recommendation to the City Council. The City Council shall make the final decision concerning the application.~~

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4. That Title 19.18.060(M), "Amendments to an Approved Special Use Permit," is hereby amended as follows:

M. Amendments to an Approved Special Use Permit

A Special Use Permit is limited to the uses and structures which are shown on the approved site development plan and are consistent with any conditions of approval. Any request to amend or modify an approved Special Use Permit shall be submitted to the Department of Planning and Development. Upon receipt of such a request, the Director shall determine if the request constitutes a minor amendment or a major amendment. Minor amendments may be approved administratively. A major amendment requires approval by the Planning Commission or City Council, dependent upon which body exercised final approval of the request ~~City Council, after a recommendation by the Planning Commission~~. Minor and major amendments are categorized as follows:

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Title 19.18.060 to allow the Planning Commission action to be final action for Special Use Permit applications.

EXECUTIVE SUMMARY

The proposed amendment will allow Planning Commission to have final approval on most Special Use Permit applications. Exceptions to this would be where a member of City Council wishes to hear the item at a City Council meeting, where multiple associated applications are involved that require action by City Council, or where the item is appealed to City Council. As the new process will save time while still guaranteeing opportunities for public input, staff recommends approval of the request.

BACKGROUND INFORMATION

Title 19.18 currently dictates that all Special Use Permit applications must be reviewed by the Planning Commission, and then forwarded to the City Council for final action. No exceptions are available to allow Planning Commission final action on any Special Use Permit application.

ANALYSIS

The proposed amendment would allow Planning Commission to take final action on most Special Use Permit applications. The exceptions to this would be where a member of City Council could pull the item forward to be heard at a City Council meeting, where there are multiple applications that require action by City Council, or where the item is appealed. The appeal process would be expanded to indicate that either the applicant or any property owner within the notification radius would be able to appeal a decision of the Planning Commission on a Special Use Permit application.

Other jurisdictions in the Las Vegas Valley currently allow Planning Commission to take final action on Special Use Permit applications. The following table offers a comparison of the procedures for each of the jurisdictions in the valley:

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Special Use Permits	City of Las Vegas	City of Henderson	City of North Las Vegas	Clark County
Final Approval	City Council	Planning Commission	Planning Commission (with exceptions)	Planning Commission (with exceptions)
Exceptions	(None)	(None)	<ul style="list-style-type: none"> • Hotels • Motels • Schools • Pawnshops • Deferred deposit loan facilities • Auto title loans • Short-term loans 	<ul style="list-style-type: none"> • Resorts • Hotels • Casinos • Mixed-use developments

Based on the table above, the requested text amendment is generally consistent with the procedures of other jurisdictions in the valley. By allowing the Planning Commission to take final action on Special Use Permit applications, the timeframe for the approval process is reduced, and the amount of time spent processing applications for city staff will also be reduced. The procedures still allow adequate opportunities for public input, and any potential impacts can be addressed by the Planning Commission.

FINDINGS

Staff finds that the proposed amendment to the approval process for Special Use Permit applications will achieve the following:

- The timeframe for approvals is reduced, which improves customer service;
- The new process will result in time savings for city staff;
- Adequate opportunities for public input are maintained; and
- The process is generally consistent with the procedures employed by the other municipalities in the area.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0